

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

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2015 APR -6 P 4:39

Marcus Albinus Joseph,

Plaintiff,

v.

Miss Dervele Albert,

Defendant.

No: 8:14-cv-4720-RMG

**ORDER**

Plaintiff brings this *pro se* action seeking relief pursuant to 42 U.S.C. § 1983. This case was automatically referred to the United States Magistrate Judge for all pretrial proceedings pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2) (d), D.S.C. Plaintiff is a state inmate at Kirkland Correctional Institution ("Kirkland"). He claims that Defendant, the postal director at Kirkland, violated his constitutional rights by refusing to provide legal materials that he had requested because Plaintiff had no funds in his inmate account. (Dkt. No. 1 at 3.) Plaintiff seeks compensatory and punitive damages from Defendant. (*Id.* at 5.) Upon initial review, the Magistrate Judge issued a Report and Recommendation recommending summary dismissal of this action. (Dkt. No. 22 at 4–5.) The parties were advised that any objections to the Report and Recommendation must be filed in writing within 14 days of service of the Report and Recommendation or face limited review by the District Court and waiver of the right of appeal. *See* Dkt. No. 22 at 6; *Thomas v. Arn*, 474 U.S. 140, 150–53 (1985); *Wright v. Collins*, 766 F.2d 841, 846–47 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Notwithstanding these instructions, Plaintiff failed to file any written objections to the Magistrate Judge's Report and Recommendation.

The Court has reviewed the record in this matter, the Report and Recommendation, and the applicable law and hereby finds that the Report and Recommendation accurately summarizes the applicable factual and legal issues in this motion. Therefore, the Court hereby **ADOPTS** the Report and Recommendation as the order of this Court due to Plaintiff's failure to state a claim upon which relief can be granted. (Dkt. No. 22). For the reasons articulated by the Magistrate Judge, the Court dismisses this action without prejudice and without issuance and service of process.

**AND IT IS SO ORDERED.**



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Richard Mark Gergel  
United States District Court Judge

April 6, 2015  
Charleston, South Carolina